

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ATHEAL PIERCE,

Debtor/Appellant,

vs.

CHAPTER 13 CASE NO.
05-31205-DHW-13

CURTIS C. REDING,
Chapter 13 Trustee,

Appellee,

**ON APPEAL TO THE UNITED STATES DISTRICT COURT FOR THE MIDDLE
DISTRICT OF ALABAMA FROM THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

TRUSTEE'S DESIGNATION OF RECORD ON APPEAL

COMES NOW, the Trustee in the above styled cause, Appellee in the above-referenced appeal, by and through the undersigned counsel, and pursuant to Rule 8006, *Federal Rules of Bankruptcy Procedure*, submits the following designation of the record on appeal for the Appellee to include the following items filed with the Bankruptcy Court:

1. Debtors' Chapter 13 Voluntary Petition [Doc #1]. ✓
2. Clerk's Notice of Deficiency: Missing Summary of Schedules & Chapter 13 Plan [Doc #3]. ✓
3. Debtors' Declaration of Summary and Schedules [Doc #9].
4. Debtors' Chapter 13 Plan [Doc #10].
5. Debtor's Emergency Motion to Extend Time to File Plan [Doc #14].
6. Motion for Relief from Stay for American General Finance [Doc #18].
7. Court's Order Dismissing Motion to Extend Time to File Plan [Doc #20].
8. Debtor's Amended Petition & Schedules [Doc #24].
9. Debtor's Chapter 13 Plan [Doc #25].
10. Debtor's Declaration of Electronic Filing [Doc #26].
11. Debtor's Amended/Modified Chapter 13 Plan [Doc #29].
12. Notice of Appearance and Request for Notice filed by Debtor's Attorney [Doc #32].
13. Notice of Appearance and Request for Notice [Doc #33].
14. Debtor's Amended/Modified Chapter 13 Plan [Doc #35].
15. Debtor's Amended Petition, Summary of Schedules, Schedules & Declaration, Statement of Financial Affairs and Attorney's Disclosure Statement & Matrix [Doc #36].

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16. Motion to Withdraw as Attorney [Doc #38].
17. Motion to Set Hearing filed by Britt Griggs, Parnell & Crum, on behalf of American General Finance [Doc #40].
18. Debtor's Objection to Motion to Lift Stay [Doc #45].
19. Debtor's Objection to Motion For Relief From Stay [Doc #46].
20. Clerk's Rescheduled §341 Meeting of Creditors Chapter 13 and Notice of Confirmation Hearing [Doc #47].
21. Court's Order Rescheduling Meeting of Creditors/Order continuing Confirmation Hearing [Doc #48].
22. Court's Order Granting Motion to Withdraw as Attorney [Doc #51].
23. Court's Order Conditionally Granting Motion For Relief From stay [Doc #52].
24. Debtor's Motion to Reconsider Order Conditionally Granting Motion For Relief From Stay [Doc #55].
25. Motion to Dismiss Case Requesting 180-Day Bar Against Refiling filed by Britt Griggs, Parnell & Crum, on behalf of American General Finance [Doc #60].
26. Debtor's Notice of Request For Dismissal [Doc #63].
27. Trustee's Objection to Confirmation of Debtor's Plan [Doc #65].
28. Court's Order Dismissing Chapter 13 Bankruptcy Case and Order Prohibiting Refiling Another Bankruptcy Case for 180 Days [Doc #66].
29. Court's Order Dismissing [American General Finance] Motion to Dismiss Case as Moot [Doc #68].
30. Court's Order Dismissing [Trustee's] Objection To Confirmation as Moot [Doc #69].
31. Debtors' Notice of Appeal [Doc #73].
32. Clerk's Notice of Deficiency re Debtor's Notice of Appeal [Doc #74].
33. Debtor's Designation of Record and Statement of Issues on Appeal [Doc #77].
34. Debtor's Request for Transcript [Doc #78].
35. Trustee's Motion to Dismiss Appeal [Doc #79].
36. Trustee's Designation of Record on Appeal [Doc #80].
37. Any and all documents and/or transcripts the Debtor has listed or requested in his Designation of Record on Appeal.
38. Copy of the Bankruptcy Court's Docket Sheet for the Chapter 13 Case.

STATEMENT OF THE ISSUES

The Debtor has stated general issues to be addressed in his appeal. In addition to these issues, the Trustee offers one further issue with regard to this appeal:

Whether the Debtor's appeal should be dismissed for failure to comply with the Federal Bankruptcy Rules of Procedure.

Respectfully submitted this 20th day of October 2005.

CURTIS C. REDING, JR.
STANDING CHAPTER 13 TRUSTEE

BY: /s/ Sabrina L. McKinney
SABRINA L. MCKINNEY (MCK041)
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CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I have mailed a copy of the foregoing TRUSTEE'S DESIGNATION OF RECORD ON APPEAL upon the following listed parties by placing a copy of same in the United States Mail, postage pre-paid and properly addressed this 20th day of October 2005.

/s/ Sabrina L. McKinney
SABRINA L. MCKINNEY

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